

REMARKS

As noted in the Comments on Reasons for Allowance being submitted separately herewith, Applicant's counsel understood from a prior telephone call that the Examiner's position was that Claims 7-12 and 19-29 (as set out in Applicant's July 25, 2008 Response) were allowable, and that the forthcoming Examiner's Amendment would amend Claims 7-12 to include the subject matter of Claim 1, and would amend Claim 25 to remove the word "the" in the second line to address an antecedent basis issue, thereby placing all claims in condition for allowance. Applicant's counsel understood that Claim 21 was allowable as it stood, and that no amendment was needed to this claim.

The Examiner's understanding was apparently not the same, and the Examiner's Amendment received with the Notice of Allowability presents different claim amendments. Counsel apologizes if the mistake was on my part. By the present Amendment, Applicant requests that the claims be amended per undersigned counsel's understanding, as set forth above. If the present amendments and the comments herein are considered to place the claims in allowable form, Applicant requests that this Amendment be entered in place of the Examiner's Amendment, pursuant to 37 C.F.R. §1.312. If this Amendment can not be entered without withdrawing the application from issue, undersigned counsel authorizes entry of the Examiner's Amendment and passage of the application on to issue, and reserves the right to pursue the scope of claim coverage presented herewith by way of a continuing application. The issue fee will be paid with a separate submission on this date.

The claims as amended herein are believed to be allowable over the art of record, as the cited references do not disclose lancets that decouple from the drive mechanism to slidably float during a portion of the lancet stroke. The art of record may teach separate parts of a drive mechanism that move relative to one another, but none of the cited references teach decoupling the lancet from the drive mechanism during the lancet stroke, as claimed. Rather, in the Fukuzawa and Duchon references, the spring of the drive mechanism continues to act on the lancet throughout the lancing stroke. In the devices disclosed by the Tezuka and

Hamamoto references, there is never engagement between the lancet and drive spring. Moreover, the drive pistons of the Tezuka and Hamamoto devices continue to act on the lancet through the lancing stroke, and the lancet only moves independently of the drive mechanism after the lancing stroke is complete—otherwise, the return springs (element 206 of Tezuka, and element 17 of Hamamoto) would seemingly interfere with advancement of the lancet along the lancing stroke.

Accordingly, the claims as submitted herewith are believed to define patentable subject matter over the art of record, and entry of this amendment and allowance are earnestly solicited.

Respectfully submitted,



Bradley K. Groff
Reg. No. 39,695

Customer No. 23506
GARDNER GROFF
GREENWALD & VILLANUEVA, PC
Tel: 770/984-2300
Fax: 770/984-0098